

**NOMINATIONS OF JAMES O. BROWNING, OF
NEW MEXICO, NOMINEE TO BE DISTRICT
JUDGE FOR THE DISTRICT OF NEW MEX-
ICO; KATHLEEN CARDONE, OF TEXAS,
NOMINEE TO BE DISTRICT JUDGE FOR THE
WESTERN DISTRICT OF TEXAS; JAMES I.
COHN, OF FLORIDA, NOMINEE TO BE DIS-
TRICT JUDGE FOR THE SOUTHERN DIS-
TRICT OF FLORIDA; FRANK MONTALVO, OF
TEXAS, NOMINEE TO BE DISTRICT JUDGE
FOR THE WESTERN DISTRICT OF TEXAS;
AND XAVIER RODRIGUEZ, OF TEXAS, NOMI-
NEE TO BE DISTRICT JUDGE FOR THE
WESTERN DISTRICT OF TEXAS**

WEDNESDAY, JULY 9, 2003

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 3:02 p.m., in room SD-226, Dirksen Senate Office Building, Hon. John Cornyn presiding.

Present: Senator Cornyn.

**OPENING STATEMENT OF HON. JOHN CORNYN, A U.S.
SENATOR FROM THE STATE OF TEXAS**

Senator CORNYN. The hearing of the Senate Judiciary Committee will come to order, and I appreciate Chairman Hatch asking me to chair this hearing since it does, not coincidentally, include the nominations of a number of exceptionally qualified judges and judicial nominees, including folks from the great State of Texas, but also including New Mexico and Florida.

I know we have a number of distinguished Senators who want to introduce nominees from their respective home States, and out of deference to them, the Chair will proceed to hear your introductions. And then I will be happy to do the introductions of the Senators from Texas.

I know Senator Hutchison will also be here, but I know each of the members of the Senate as well as our colleague Silvestre Reyes from the House have conflicting engagements. And so in an effort

to try to get to you and allow you to get on to your other business, I will be glad first to turn to the senior Senator from New Mexico, Senator Domenici.

PRESENTATION OF JAMES O. BROWNING, NOMINEE TO BE DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, BY HON. PETE V. DOMENICI, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Senator DOMENICI. Thank you very much, Mr. Chairman, and in deference to you, you can be sure we won't take much of your time. Thank you so much.

First, it is my distinct privilege to be here to introduce to you and the Committee the nominee of our President for district judge in the State of New Mexico, James O. Browning. Mr. Browning is joined by his wife, Jan, and one of his three children, Elizabeth, both of whom are here with him, if maybe they could stand and we could recognize them. And Mr. Weldon Browning and his wife, Shirley, are here. They are the mother and father. They are from Hobbs down in your country, his parents. They are here.

Senator CORNYN. Welcome.

Senator DOMENICI. Thank you for welcoming them.

Mr. Chairman, seldom do I have an opportunity to introduce a candidate with such outstanding credentials. That is why I indicated to you that it ought to be very brief from our standpoint. This young man is a native of Hobbs, New Mexico. He attended Yale University where he graduated magna cum laude, receiving three varsity letters playing football. He then attended University of Virginia Law School, serving as the editor in chief of the Virginia Law Review. And after graduating from law school, he clerked for Collins Seitz, the chief judge of the Third Circuit Court of Appeals, and he followed that clerkship by a clerkship with the United States Supreme Court with Lewis F. Powell, Jr., being his clerk at the United States Supreme Court.

We in New Mexico are fortunate that he returned to our State to practice law after his clerkships. He has generally been in the practice of law with the exception of practicing as Deputy Attorney General for a couple of years.

I am very pleased with his nomination, certain that he will meet with your satisfaction and that of the Committee, as he did with the President of the United States. Clearly, the American Bar did not take any length of time to find that he deserved their highest accolade as well qualified. I believe they are right. I believe our President was right. And I hope that this Committee will find and concur in those findings and send him to the Senate quickly. We are in need of judges in New Mexico very badly, and we hope that he will move quickly through the Committee.

Thank you, and I am very appreciative that I am joined here by my colleague, Senator Bingaman.

Senator CORNYN. Thank you, Senator Domenici.

Senator Bingaman, I know you are listed next, but you graciously agreed to allow Senator Hutchison to go next because I know she has a conflicting Committee hearing on the appropriations markup for defense and legislative branch approps. And so at